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7 USA, Plaintiff,
8 v.
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10 WARRANT TO SEIZE PROPERTY
11 SUBJECT TO FORFEITURE,
12
13 Defendant.

Case No. [3:19-mj-70007-EDL-1](#) (WHO)

ORDER TO SHOW CAUSE

Re: Dkt. No. 16

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13 Movant Jacqueline Zuercher, who is represented by counsel, sought return of a vehicle
14 forfeited in a previous federal criminal investigation. Dkt. Nos. 1, 6. On March 15, 2021,
15 Magistrate Judge Sallie Kim denied the motion. Dkt. No. 15. Because there was no pending
16 criminal case, she treated it as a civil complaint, *see United States v. Ibrahim*, 522 F.3d 1003, 1007
17 (9th Cir. 2008), and found that Zuercher failed to follow the Federal Rules of Civil Procedure,
18 including by failing to properly serve the United States. Dkt. No. 15 at 3–4. She explained that
19 Zuercher could re-file as an ordinary civil complaint. *Id.* Zuercher filed what she styled an
20 “objection” to Judge Kim’s order that appears on the docket as an “appeal” to a district judge. *See*
21 Dkt. No. 16. I address it as the general duty judge for March 2021.

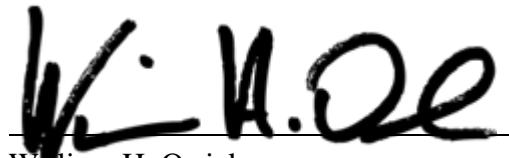
22 Zuercher is ORDERED TO SHOW CAUSE why the objection or appeal should not be
23 dismissed. In her single-paragraph argument, Zuercher states that she objects under Federal Rule
24 of Criminal Procedure 59. But that Rule only contemplates objections to magistrate judges’
25 *recommendations* after matters have been *referred* to them by a district judge. *See* Fed. R. Crim.
26 P. 59. Here, both parties consented to magistrate judge jurisdiction, *see* Dkt. No. 9 (minute entry),
27 the matter was never before a district judge, and the motion was treated as a civil complaint, *see*
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1 *Ibrahim*, 522 F.3d at 1007. Accordingly, Zuercher must show why this purported objection or
2 appeal is proper. She must respond within 14 days. If she fails to respond, the objection or appeal
3 will be dismissed as improper.

4 **IT IS SO ORDERED.**

5 Dated: April 2, 2021

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William H. Orrick
United States District Judge